

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	No. S1-4:15-CR-00441-CDP-NCC2
)	
DONALD STEWART,)	
)	
Defendant.)	

DEFENDANT STEWART'S MOTION IN LIMINE NO. 1

Come now attorneys John Stobbs and Daniel Schattnik on behalf of Defendant Donald Stewart, and in an effort to alert both the Court and opposing counsel of certain evidentiary issues which are anticipated at trial herein, hereby moves in limine that this Honorable Court enter an order directing the government, its attorneys, and any witnesses called or cross-examined by them, to refrain from offering evidence, testimony, argument or comment, either directly or indirectly, through the examination or cross-examination of witnesses, during voir dire, opening statements, closing arguments, or by comments of counsel, or in any other manner, while in the presence or hearing of the jury making any reference to defendant's criminal record, to the facts underlying any such convictions, including but not limited to any reference to acts of violence or possession or use of weapons or drugs during the course of the events making up any such convictions.

While there has been no specific FRE Rule 609 disclosure of convictions which the government might seek to use during trial as to defendant Stewart, the discovery provided in this case reflects the following ancient convictions, which are over thirty (30) years old and which have no bearing on any material issue in this case:

1. a 1985 conviction for Tampering First Degree and Receiving Stolen Property in Cause

No. 851-00748;

2. a 1984 conviction for Manslaughter in Cause No. 831-01313-A

WHEREFORE, Defendant Donald Stewart prays that this Honorable Court grant his motion and preclude evidence of any prior convictions, and also that the government be precluded from offering any information about the facts of the underlying cases.

Respectfully submitted,

By: /S/ Daniel R. Schattnik
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CERTIFICATE OF SERVICE

I certify that on 22nd day of December, 2017, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record, including but not limited to AUSA Dean R. Hoag and AUSA Michael A. Reilly as well as attorneys for co-defendant Wilson.

/S/ Daniel R. Schattnik
Daniel R. Schattnik, #03122234 IL